

Part 1

Issues and Trial

78B-5-101 Right to jury trial.

In actions for the recovery of specific real or personal property, with or without damages, or for money claimed due upon contract or as damages for breach of contract, or for injuries, an issue of fact may be tried by a jury, unless a jury trial is waived or a reference is ordered.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-5-102 Jury to decide questions of fact.

All questions of fact, where the trial is by jury, other than those mentioned in Section 78B-5-103, are to be decided by the jury, and all evidence is to be addressed to them, except when otherwise provided.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-5-103 Court to decide questions of law.

All questions of law, including the admissibility of evidence, the facts preliminary to admission, the construction of statutes and other writings, the application of the rules of evidence, and all discussions of law are to be addressed to and decided by the court. Whenever the knowledge of the court is by law made evidence of a fact, the court shall explain the knowledge to the jury, who are to accept it.

Renumbered and Amended by Chapter 3, 2008 General Session